

Differences in the Lexico-grammatical Features of Legal Letters of Demand Written by Lawyers and Students

Chamila Kothalawala¹, Thamara Kothalawala² and Sujeeva S. Pereira³

^{1&2}*Department of Languages, Faculty of Management, Social Sciences and Humanities,
General Sir John Kotelawala Defence University, Sri Lanka*

³*Department of English and Linguistics, University of Sri Jayewardenepura, Sri Lanka.*

Abstract

Though many law students need improvement in terms of the effective use of language features in professional legal letter writing, the language use of professional legal genres has not been adequately explored. Therefore, this study compared the lexico-grammatical features of 60 legal letters of demand written by lawyers and law students to identify differences that are useful for the writing pedagogy of legal letters of demand. The analysis was supplemented with the perspectives of the lawyers and students on their choices of the types of lexico-grammatical features. English for Specific Purposes (ESP) move analysis and the constructivist grounded theory (CGT) methods were intersected for data collection and analysis of the letters and views of the lawyers and students in order to analyze the interaction of lexico-grammatical features, their functions, and the writers' rationales for the choice of those lexico-grammatical features. The results included that the letters of the lawyers and students differed in lexico-grammatical features such as genre-specific formulaic expressions, direct utterances, polite forms, and legal terms. These differences decreased the effectiveness in such important areas as choice of formulaic expressions, legal terms, polite forms, and direct expressions according to the lawyers interviewed. The students' views were related to the necessity of improving the formulaic expressions in writing legal letters of demand. Activities that encourage students to compare their informal expressions and equivalent formulaic expressions in the lawyers' letters of demand should be incorporated into the teaching materials of legal letters of demand.

Keywords: letters of demand, lexico-grammatical features, formulaic expressions, legal terms, politeness

Suggested Citation: Kothalawala, C., Kothalawala, T., & Pereira, S.S. (2022). Differences in the lexico-grammatical features of legal letters of demand written by lawyers and students. *Sri Lanka Journal of Education, 1*(2), 41-57.

Email: kothalawala.chamila@yahoo.com, thamarak@kdu.ac.lk, windyperera@gmail.com

Introduction

Law students should be advised and assisted in writing effective legal letters since they should have the rhetorical consciousness and abilities necessary to do so in their prospective workplaces. Clarence et al., (2014) claim that legal professionals throughout the world are lamenting how poorly many graduates can properly express their opinions and expertise once they reach the professional field (p. 839). In Sri Lanka, after the successful completion of the final year exams at the Sri Lanka Law College, law students are required to complete an apprenticeship programme with a senior attorney-at-law for at least six months. Consequently, a trainee is admitted to the legal profession as an attorney-at-law once he or she has acquired the necessary skills, under the supervision of a senior attorney (The Sri Lanka Law College, 2018).

The teaching of English for Specific Purposes (ESP) should introduce students the concerns of practitioners/professionals (Conrad et.al. 2015). Most of the legal scholars who teach in legal writing courses have addressed the necessity of enabling law undergraduates to recognize the expert/novice distinction in genre-based reading and writing tasks. 'While our students cannot realistically expect to achieve the level of expertise now that they will later in their careers, understanding the expert/novice distinction can help them 'move further along the continuum toward expertise' (Webb, 2017, p. 320).

It is identified that many law students need improvements in terms of the effective use of lexico-grammatical features in writing legal letters of demand. This is one of the most essential skills for a practicing lawyer. Rappaport (2008) defines a letter of demand as "a letter written on behalf of a client in which the attorney demands that the recipient take or cease taking a certain action" (p. 34). Legal letters of demand are an important genre for lawyers, serving a vital communicative function by influencing the other party to fulfil a demand to resolve the conflict prior to litigation.

Most law students are required to work with a senior lawyer towards the end of their degree program, and they are likely to do a lot of drafting, including letters of demand. By the time they give oaths and start practicing, they want to improve their writing skills to produce well-converted legal genres. During their apprenticeship, they are given the responsibility of drafting legal letters of demand for their seniors, who instruct and provide them with templates for writing. Therefore, the proper use of lexico-grammatical features and having awareness of the rhetorical patterns of a letter of demand are of vital importance to meet the requirements in writing legal letters of demand.

English language teaching programmes should meet workplace demands by equipping law students with the necessary competence in the use of rhetorical patterns in legal genres. To become effective members of the legal discourse, law students must learn how to read and produce genres shared by lawyers. Learning to write is inextricably linked to learning the legal discourse valued and invested in by the legal community one is attempting

to join (Candlin et al. 2002, cited in Clarence et al., 2014, p. 849). As such, writing legal genres involves using the accepted genre conventions of lawyers, which tends to be a demanding task for many law students. They have to follow the writing norms of a discourse community and conventions of genres, and fulfil expectations of their audience (Hadavi & Moghaddam 2015, p. 588). Law students should be instructed about the necessity of the lexico-grammatical features needed to write letters of demand. Therefore, this study analysed the lexico-grammatical features of 30 authentic legal letters of demand written by lawyers and 30 scenario letters of demand written by law students to identify the students' weaknesses in the use of lexico-grammatical features in comparison to the lawyers' lexico-grammatical choices.

Literature review

Genre analysts have paid attention to the impact of lexico-grammatical features on the communicative purposes that they serve in a text. Swales (1990) classified typical expressions that are used to realize a step into further categories, which are 'typical examples of the linguistic exponents and signals' (p. 144). In his 'Create a Research Space' (CARS) model (Swales, 1990), each move is realized through several steps that have typical lexico-grammatical features. For instance, 'Step 1 Claiming Centrality' presents the significance of a study. "Centrality claims are appeals to the discourse community whereby members are asked to accept that the research about to be reported is part of a lively, significant, or well-established research area" (Swales, 1990, p. 141). Swales's analysis of the centrality claims consists of the following typical expressions.

'Recently, there has been a spate of interest in how to . . . ?'

'In recent years, applied researchers have become increasingly interested in . . . ?'

'The possibility . . . has generated interest in . . . ?'

'Recently, there has been wide interest in . . . ?' (Swales, *ibid*).

Swales (1990) classifies these typical lexico-grammatical expressions that are used to claim centrality (Step 1 of Move 1 of the CARS Model) into three types of communicative purposes (i.e., claiming interest or importance, referring to the central character of the issue, or claiming that other researchers are interested in the issue).

Following Swales's analysis of the lexico-grammatical features in the CARS model, the subsequent move analysts have examined the typical expressions used in many professional genres. For instance, Flowerdew and Wan (2006) conducted a micro-linguistic analysis of politeness strategies used by a group of writers of tax computational letters. They claimed that 'politeness is based on [...] how speakers attempt to establish, maintain, and save face during interaction' (p.145). Further, Bhatia (2012) identified a very high incidence of the present perfect tense, nominals associated with positive attributes (e.g., a world-class management team), and verb forms for future expectations in the lexico-grammatical analysis of the letters of organizational achievements written by chairpersons to shareholders of a

company. He remarked that those typical lexico-grammatical realizations help corporate writers project a positive image of organizational achievements, which depicts the relationship between the lexico-grammatical features and communicative purposes (Bhatia, 2012, p. 243). Bhatia (2012) insists on the rationale for the inclusion of positivity in such a letter, as businesses tend to downplay indications of negative performance (ibid.).

Few studies in the ESP literature have analysed authentic legal documents of lawyers in order to understand the genetic characteristics of the legal profession, i.e., the structure of law reports (Durrant & Leung (2016). Studies by Bhatia (1993), Maley (1987), Ahmad (2009), Rasmussen and Engberg (1999), Derahvasht (2011), and Albi (2013) have examined the textual, lexico-grammatical, and discursal features of the legal genres. Few ESP genre analysts, such as Nguyen & Miller (2012), Conrad (2017), and Conrad et.al. (2015), have investigated the weaknesses in the rhetorical features of ESP learners' corpora in relation to the writings of professionals. Few corpus linguists (i.e., Conrad, 2017; Conrad et al., 2015) have investigated the differences between engineering practitioner and student writing in large collections of texts and identified the most serious student weaknesses in rhetorical features in relation to practitioner writing. In the same tradition, Nguyen & Miller (2012) compared scenarios of English business letters written by Vietnamese English as a Foreign Language (EFL) students with authentic business letters written by business professionals.

It is identified that in the tradition of ESP genre analysis, there is a paucity of legal genre analyses that focus on expert and novice distinctions and intend to bridge the gap between learner and practitioner writing to raise learners' rhetorical consciousness of the necessary discursive practices. The reason may be that the genre is "typically hidden, 'out of sight' or occluded' from the public gaze" (Swales, 1990, p.46), and it is mostly difficult to obtain samples due to the confidential information in such letters. This is due to the fact that lawyers write in everyday practice largely from 'occluded genres' that are not easily accessible as student texts or published documents (Swales, 1996, p.88). Most material developers can easily adopt online resources, as collecting authentic samples is difficult due to the occluded nature of the genre. Therefore, to fill the gap, this study explored the differences between the lexico-grammatical features of 60 letters of demand written by a group of lawyers and students (30 letters from each group) to identify students' weaknesses.

Methodology

This study is a qualitative genre analysis that intersected the move analysis approach (Swales, 1990) and the CGT methods. The lawyers' letters of demand were collected from 15 lawyers, and 10 of them participated in the subsequent interviews. They had been writing letters of demand in both English and Sinhala and were specialized in civil law (i.e., land matters, testamentary-related issues, divorce, and matrimonial), and commercial law (i.e., company contract matters, contractual obligations, intellectual property matters, and writs (orders from superior courts). They worked in district courts, appeal courts, or higher courts in Colombo. All of them had more than five years of experience in the profession, which was

one of the criteria for selecting them for the subsequent discourse-based interviews. Seven of them had their own templates for writing letters of demand, which were also used to guide their apprentices. The majority had been writing them in both Sinhala and English.

The 30 letters of demand written by the students were collected from 67 letters sent by a group of second-year law students who followed a four-year Bachelor of Law Degree program in a Sri Lankan university. They were contacted through an e-mail invitation, requesting them to provide the scenario letter of demand they had written for a homework assignment in the English module. In the scenario letter, the students were expected to imagine themselves as a lawyer who demanded an unsettled payment for a supply of medical equipment.

The data collection process of this study was initially driven by purposeful sampling (based on criteria decided) and later by the theoretical sampling used in the CGT methodology: sampling for data that informs their categories (Charmaz & Thronberg, 2020). The inclusion criteria for the letters of demand were based on the following two typical communicative purposes of the two types of letters.

- a) Inclusion of a demand statement (i.e., the exact sum of money due and owing or compliance with another legal obligation)
- b) Consequences for non-compliance (taking legal actions)

The present study targeted the lawyers who had been writing letters of demand in English and a group of law students who had practiced writing them in the university's legal English teaching program. The lawyers were contacted through known contacts based on snowball sampling. Similarly, a few students who provided letters were contacted, and they were requested to help the researcher recruit other students for interviews. Ten law students (6 females, and 4 males) whose letters were analysed were requested to participate in discourse-based interviews. They were between 23-24 years of age and were expected to obtain the required qualifications to be an attorney-at-law, which would provide them the ability to practice in all Sri Lankan courts.

In the current study, theoretical sampling was based on a further understanding of the constructed categories of lexico-grammatical features. Charmaz (2006) emphasizes that theoretical sampling pertains only to conceptual and theoretical development, and it is not about representing a population or increasing the statistical generalizability of your results" (p.106). Thus, the sample size for both lawyers and students was decided as per the point of theoretical saturation of the categories of data (Charmaz, 2006, 2014). Initially, the total number of letters to be collected was estimated as 25 from each category and 8 interviews from the participants. However, in the second stage of coding the data, theoretical sampling was used to determine the saturation point of the data: 30 letters (from each type of letters)

and 10 interviews (from each group of participants). Once in this stage, categories of data were strengthened, the analysis had exhausted, and no new data emerged.

Results

The analysis of the differences between the lexico-grammatical features in the letters written by the lawyers and students is presented in the following categories of data. The differences analyzed were also supplemented with an analysis of the perspectives of the lawyers and students.

Formulaic expressions

A major difference between the lexico-grammatical features of the letters written by the lawyers and students was related to the use of formulaic expressions. Formulaic expressions are genre-specific expressions that have consistency in their form, meaning, and use among users of a genre. For example, the formulaic expression ‘I write on the instructions of my client...’ that was used to introduce the client in lawyer’s letter of demand was consistent across all 30 lawyers’ letters (LLs). In contrast, the typical expressions used to introduce a client (in *Move 1: Opening*) varied across the students’ letters (SLs), as presented in bold type in the following sentences.

- (1) **I act on behalf of** SMS Medical Supplies (Pvt) Ltd, who has engaged our firm Themis and Associates... (SL25)
- (2) **We write for** SMS Medical Supplies (Pvt) Ltd, Colombo 3 who has agreed to supply medical equipment value of Rs.39, 552,397/- to your company. (SL3)
- (3) **We take actions on behalf of** SMS Medical Supplies (Pvt) Ltd, (SL16)

In addition, in *Move 1: Opening*, the use of continuous forms was also prevalent in the students’ letters, and they are listed below.

- (1) **I am writing** this letter on behalf of SMS Medical Supplies (Pvt) Ltd... (SL9)
- (2) **We are representing** SMS Medical Supplies (Pvt) Ltd which is located in Colombo 03 and who has engaged Themis and Associates to assist for this matter. (SL28)
- (3) **This letter is being sent** on behalf of our client SMS Medical Supplies (Pvt.) Ltd (SL14)

These variations in the use of expressions in *Move 1: Opening* in the students’ letters are a weakness in the students’ letters in comparison to the consistent use of formulaic expressions in the lawyers’ letters. Similarly, the use of lexico-grammatical features of *Step 1*

of Move 2: *Informing the role of the client (M2S1)* of the lawyers' letters were also consistent and it informs that all instructions are provided by the clients:

- (1) **"I am instructed that my client** has in the year 1983, purchased Lot No. 2 of Plan No. ... (LL2)
- (2) **"I am further instructed that [...]** my clients made arrangements to sell the said property to a prospective buyer. (LL2)

The above examples are from the same letter (LL2), and they depict that the lawyer repeatedly insisted on the fact that he followed the instructions given by the client in step *M2S1: Informing the role of the client*. However, the formulaic expression 'I am instructed that...' was not prevalent in the majority of students' letters. Instead, the students often referred to the contract and other sources (i.e., 'According to the contract...', 'As stated in SMS Medical Supplies (Pvt.) Ltd. account statements...') to inform the role of the client.

Direct expressions

The lawyers used direct speech or active voice in stating the unlawful act or breach of contract of the opponent:

'...you have breached your promise and failed to honour the Lease Agreement and provide with the necessary licenses/infrastructure to my client' (LL5)

In the majority of the lawyers' letters, active voice verb phrases (i.e., is due and owing, have uttered, and discouraged, has commenced) were mostly used to mention the breach of contract, which are more explicit than the use of passive constructions prevalent in presenting the breach of contract. The examples below are typical uses of passive verb forms in the students' letters, and they are more indirect than the lawyers' expressions.

- (1) **'...the credit purchase made by Rick and Morty Labs (Pvt) Ltd has not yet been settled.'** (SL23)
- (2) **'According to the invoice present in hand at SMS (Pvt) Ltd. a credit sale of Rs. 27,092,147/- has been made to your company which is yet to be settled.'**(SL8)

With the use of active voice, the lawyers' focus was always on the unlawful actions of the opponent, whereas the students mostly emphasized on the unsettled amount of money.

Specific expressions

The lawyers' letters mostly included specific expressions. For example, the choice of vocabulary in Move 1 Step 1: Mentioning the topic in the lawyers' letters was more specific than the choice of vocabulary in the topics of the 30 letters of the students. Except 2 student letters, all the topics began with the term 'Regarding' as in the following examples.

- (1) 'Regarding the Outstanding Payment' (LL16)
- (2) 'Regarding with an unjustly defaulted transaction' (LL24)

However, the topics of the lawyer letters varied with the expressions related to their specific demand:

- (1) 'DAMAGES – WRONGFUL INCLUSION OF NAME IN CRIB DATABASE' (LL7)
- (2) 'RE- UNAUTHORISED STRUCTURE –APP.NO. –BA/82/2022'(LL11)

Specific numbers (i.e., application numbers/deed numbers/policy numbers) were included in the majority of the topics of the lawyers' letters in contrast to more general terms (i.e., 'outstanding payment', 'unjustly defaulted transaction') in the topics of the majority of the students' letters.

Formal expressions

When the expressions used to inform the reader of the loss or damage in the two types of letters were compared, the students' expressions seemed to be less formal than the expressions in the lawyers' letters. The following are formal expressions used by lawyers to indicate loss or damage.

- '...my client **has suffered immense hardships and damages** due to rejection of application...' (LL25)
- (1) '...my client **had incurred a sum of Rs. 30,700.00** as repair costs for the vehicle...' (LL4)
 - (2) '...In the above circumstances **my client reasonably estimates the damages he suffered done to your breach of trust and wrongful conduct** violating his economic rights estimated at ...' (LL25)

In contrast, the students' letters consisted of the following less formal expressions to inform the loss or damage.

- (1) 'SMS Medical Supplies (Pvt) Ltd, **has faced severe problems.**' (SL6)

(2) ‘...SMS (Pvt) Ltd Company had **to face some troubles** because they have monetary difficulties.’(SL11)

(3) ‘...my client **had to bear Rs. 150,000 as of the interest to the Bank.**’ (SL19)

The above examples depict the students’ use of informal expressions, which was more apparent in Move 4: Demanding, which is the most important communicative purpose of a letter of demand. In contrast, the formal expressions used by the lawyers to state the specific demand are presented below.

(1) ‘In the premises aforesaid, I am instructed **to demand of you and I do hereby demand that you pay my client the sum of...**’ (LL15)

(2) ‘Under the aforesaid circumstances, **I am hereby instructed to demand** from you that you take immediate measures to obtain the necessary licenses’ (LL4)

Particularly, the expression “I am hereby instructed to demand” is used to state the specific demand in all the lawyers’ letters, whereas the students’ letters often included the following verb forms in *Move 4: Demanding* as in the following examples.

(1) ‘...we **request** that you settle the remaining balance from the credit purchase...’ (SL2)

(2) ‘Please **try to settle** the full amount of value...’ (SL11)

(3) ‘You **are requested to settle** the due amount of LKR 27,092,147...’ (SL12)

In the students’ expressions, the verb ‘request’ is used to state the demand, which is contrary to the use of the verb ‘demand’ in the lawyers’ letters. Further, the students had used polite forms in *Move 4: Demanding* as in the following examples, which is contrary to the expressions in the lawyers’ letters.

(1) ‘So **please settle** the pending payment with the interest before the given time expires...’ (SL13)

(2) ‘So **please pay** debt as the given time expires...’ (SL8)

The use of genre specific expressions seemed to be challenging for most of the students.

The above-discussed differences between the lexico-grammatical features were supplemented with data collected from the interviews with the lawyers and students, which are presented below.

Use of legal terms

Expressions that included legal terms such as ‘breach of promises’, ‘actions have caused severe losses’, ‘an act of criminal breach of trust’, and ‘criminal charges’ were an inevitable part of the lawyers’ letters of demand. Though a letter of demand is sent to a layman, lawyers have to include legal terms to avoid ambiguity and vagueness in their expressions. Further, since the letters are used in court proceedings, the majority of the lawyers considered that the inclusion of legal terms was an important aspect. Lawyer 3 expressed the way he used legal terms in a letter of demand in the following manner.

‘You can't make the letter too complicated as you are sending it to a client. If you are sending it to a lawyer you can use jargon. Keep it in a simple manner.’ (Lawyer 3)

Also, the majority of lawyers provided the reason for using legal terms in a letter of demand. Lawyer 6 mentioned that the inclusion of legal terms is a requirement of legalese or the language of law.

‘We have to use the language of the court proceedings. We have interpretations for word to word. By using exact legal words you can limit different interpretations.’(Lawyer 6)

According to the views of many lawyers, they have to use the language of the court proceedings precisely in letters of demand. The majority of the lawyers were of the opinion that their letters should have legal terms and they emphasized that such terms should not be complicated. Lawyer 9 and Lawyer 7 expressed the reasons for the inclusion of legal terms.

‘The letter should have some weight. The vocabulary should have some weight.’ (Lawyer 9)

‘Better to be formal but not too formal, the message to be carried to the other person in the simplest form. You can't use too much legal jargon.’ (Lawyer 7)

The intention of many lawyers using legal terms was to make the letters formal:

‘We have to use formal language, we have to use legal terms, so that the nature of a letter of demand... It may be difficult for the persons, but we have to use legal terms.’ (Lawyer 10)

Legal letters of demand are written in a distinctive language in an efficient and concise manner since the recipient should contact a lawyer to reply to the letter. Lawyer 4 mentioned the reason for it:

‘Every person can contact a legal officer to understand what it is. They have to answer. The ordinary people can get assistance from a legal officer’ which means a letter of demand is a unique format. Lawyers use legal terms uniquely.’ (Lawyer 4)

Similarly, Lawyer 3 stated that the language of a letter of demand is different because a recipient has to contact a lawyer to respond to a letter of demand.

‘A letter of demand is very often used in civil matters. Every person contacts an attorney at law to hand over his or her case to represent them. A letter of demand is rarely used in criminal matters. It is only used in civil matters. Any person has to follow the instructions of the lawyer.’ (Lawyer 3)

Lawyer 8 had a different opinion on the inclusion of legal terms in a letter of demand. According to her view, knowing the law is a fundamental responsibility for every citizen.

‘There is the idea that every person should know the law. There are no excuses; they should get knowledge of the law. They have to know some legal words.’ (Lawyer 8)

As a whole, the lawyers’ views on the writing of the letters of demand revealed that the genre of legal letters of demand is unique as they are written in a distinctive language in an efficient and concise manner.

Politeness

Demanding firmly, yet politely was a typical strategy used by the majority of the lawyers interviewed to get the demand fulfilled. Few of them had included the expression ‘Please furnish your observations on the above matters at your earliest convenience’ in *Move 5: Closing*. Lawyer 8 and 4 stated the reason for being polite.

‘We do not make a very harsh influence. Not harshly.’ (Lawyer 8)

‘I know some lawyers are harsh in the letter, but I follow my senior’s way and be polite. Most of my letters get a reply.’ (Lawyer 4)

Correspondingly, the majority of the lawyers did not criticize a breach of contract impolitely, yet they tend to be rational in their demands.

‘...it must be firm as an official document it has to be firm...’ (Lawyer 5)

Being firm in demanding was also practiced by Lawyer 10:

‘You have to have some weight in. It is better to have 70% on the arrogant side of writing a letter. Since you are demanding something from the person who has violated a contract.’ (Lawyer 10)

As presented above, the lawyers' views on the use of lexico-grammatical features were characterized by the inclusion of legal terms to reduce ambiguity and avoid different interpretations. Legal terms are also helpful to rationalize the demand. Few others mentioned that since letters of demand are written and read by lawyers, the use of legal terms is an inevitable aspect. In addition, criticizing a breach of contract with impolite expressions was not advocated by the majority of lawyers. However, few lawyers mentioned that as per clients' influence, they had to criticize the opponent's breach of contract impolitely.

Perspectives of the law students

The perspectives of the law students on their use of lexico-grammatical features in writing the scenario letters of demand were related to their awareness of improvement in the letters of demand, and the challenges they faced in the use of genre-specific lexico-grammatical features. The majority of law students mentioned the improvement in the use of language features in letters of demand writing. According to the students' view, with more writing practice, they became more competent in writing letters of demand and developed an understanding of the lexico-grammatical features used. Student 3 mentioned how she improved her competence with exposure and practice:

'When we started to write a letter of demand, like in the first letter, there were many errors, but when we were writing the second and then the fourth one, I got an improvement compared with the first letter.' (Student 3)

Both Student 4 and Student 2 mentioned about the use of legal terms in letters of demand in the following manner.

'There are different words like legal terms, totally different from other writings.' (Student 4).

'We have to understand the formal way of writing. English we have to use academic language and legal words.'(Student 2)

In the interviews, the majority of students mentioned that they had written 3 or 4 letters of demand prior to the assignment. By drafting the letters, the students gained an understanding of the correct use of grammar and vocabulary. The majority of students stated their need to learn the language of letters of demand. Student 4 expressed her need to improve her language when writing letters of demand.

'This is one of the most important documents for any lawyer, we cannot make mistakes, and we need to learn the language.' (Student 4)

The students also spoke about their gradual improvement in the use of the language in letters of demand.

‘It is not difficult now. But in the beginning, it was a little bit difficult because we are not familiar with those legal words, jargon, and all those things.’(Student 2)

It is identified that more exposure to formulaic expressions and legal terms is required to enable the law students to make their expressions more formal. *Student 1* stated her experience in legal letters of demand writing.

‘The language of the law is distinct and logical. In legal documents, language is precise and carefully chosen, so that all parties understand the intent of the text.’
(Student 1)

As presented above, the majority of the students expressed that the appropriate use of language in the letter of demand was challenging to them at first, and they gradually improved their accuracy of language expressions. Most students seemed to be aware of the inclusion of legal terms, formulaic expressions, and the formality of the language. Many students expressed that they need to use legal terms to ensure the formality of the genre and required more awareness of the legal terms and formal expressions specific to the genre.

Discussion

This section discusses the major differences in the lexico-grammatical features in the letters of demand written by the lawyers and students. Each move in a letter was realized through several steps that had typical lexico-grammatical features. The identification of the typical lexico-grammatical features was based on Swales’s (1990) analysis of lexico-grammatical features in the introductions to research articles. It was identified that the formulaic expressions that were used to introduce the client (e.g., ‘I write on the instructions of my client...’ was consistent across all 30 letters of the lawyers. In contrast, the students’ letters included various forms to introduce the client (e.g., ‘We are representing SMS Medical Supplies (Pvt) Ltd. to assist with this case...’ -SL9). Similarly, in Move 2, Providing Background Details, the typical expression ‘As I am instructed...’ was consistent in the lawyers’ letters. In contrast, various expressions occurred in the students’ letters (e.g., ‘According to the contract details...’SL15, ‘As a part of the first agreement...’-SL29). Swales (1990) also illustrated the contrast between expert and novice writing with the research article introduction of a Japanese master’s student. He considers a typical introduction written by an expert to be ‘a crafted rhetorical artifact’ and a manifestation of rhetorical maneuver’. Similarly, Bhatia (2012) claims that established members of a particular professional community seem to have a much greater knowledge and understanding of the use and exploitation of genres than those who are apprentices, new members, or outsiders (p. 241).

The choice of words in ‘M1S1: Mentioning the topic’ of the lawyers’ letters was more specific than the expressions in the students’ letters. In contrast, informal expressions were prevalent in the students’ letters mostly in ‘M3S4: Informing the loss or damage’ and in

'M4S1: Stating the specific demand' in contrast to the formal expressions in the lawyers' letters. Further, in 'M3S1: Informing the breach of contract', the lawyers used direct speech with active voice verb phrases. In contrast, passive verb forms were prevalent in the students' letters to present the breach of contract. Similar to the directness in stating the breach of contract in the current study, Conrad (2017) found that engineering practitioners valued the language 'to be direct and clear, especially in addressing audience concerns, asking or answering questions, and making recommendations' (p.194). Conciseness and directness in engineering practitioners' writing were realized with simple sentence structures and precise word choices (Conrad, 2017, p.209).

The use of polite forms is a preference of some of the lawyers in *Move 5: Closing* (e.g., 'Please furnish your observations'). However, the majority agreed that they stated their demand firmly and rationally, which was also noted in the *Move 4: Demanding* in the lawyers' letters. However, the lawyers' letters did not include polite forms in the move *Demanding* (e.g., 'I am instructed to demand from you to refrain...'). In contrast, the students' expressions included polite forms in *Move 4 Demanding* (e.g., 'Please try to settle the full amount of value...'-SL11). In the analysis of lexico-grammatical features, the analysis of strategies used to build politeness has been a major concern of many genre analyses. For instance, Flowerdew and Wan (2006) in a micro-linguistic analysis of politeness strategies used by the writers of tax computational letters claim that 'politeness is based on the notion of how speakers attempt to establish, maintain and save face during interaction' (p.145). Similarly, Safi (2005) and Mortezapour (2008) in the analyses of lexico-grammatical features of the business letters claimed that they should have frankness, explicitness, brevity, coherence, and politeness (cited in Jalilifar & Beitsayyah, 2011, p.311). The letters of demand are written in a distinctive language in an efficient and concise manner. In the interviews, the majority of the lawyers mentioned that the use of polite expressions depends on their senior lawyers' influence and how each lawyer was trained to write letters of demand by a senior lawyer.

The differences in the use of the lexico-grammatical features depicted the areas in the students need improvement (i.e., using genre-specific formulaic expressions, legal terms, and polite forms). The majority of the students mentioned their improvement in language use through exposure and practice. They stated the necessity of using typical lexico-grammatical features of legal letters of demand. Similar to the analysis of the students' letters in the current study, Conrad (2017) identified that students' writing in engineering 'had more complicated sentence structures, less accurate word choice, more errors in grammar and punctuation' (p.191).

Conclusion

This study intersected the move analysis approach (Swales, 1990) and grounded theory methods (Charmaz, 2006) to provide a context-specific perspective on the differences between the lexico-grammatical features of the letters of demand written by the lawyers and students to identify the student's deficiencies. It was identified that the formulaic expressions

were consistent across the 30 letters of the lawyers. In contrast, the students' letters included inconsistent expressions. In the interviews, the lawyers stated that since the letters are used in court proceedings, the majority of the lawyers considered that the inclusion of legal terms was an important aspect. Further, the choice of vocabulary in the topics of the lawyers' letters was more specific than the expressions in the students' letters. Similarly, informal expressions were prevalent in the students' letters in contrast to the formal expressions in the lawyers' letters. Further, the lawyers used direct speech with active voice verb phrases when they informed the breach of contract by the opponent; in contrast, passive verb forms were prevalent in the students' letters. The students' expressions included polite forms in stating the specific demand; however, the lawyers' letters did not include polite forms in demanding. Only some lawyers mentioned using politeness as a strategy to get the demand fulfilled, and the majority agreed they stated their demand firmly and rationally. The lawyers' reasons for the use of polite expressions depend on how each lawyer was trained to write letters of demand by a senior lawyer. The majority of the students mentioned their improvement in language use through exposure and practice. They stated the necessity of using legal terms and formulaic expressions as their use in lawyers' letters of demand.

The results of this study better define the gap between the lexico-grammatical features of the letters of demand written by lawyers and students. The differences can be used as a basis for developing remedial teaching. Activities that encourage students to compare typical students' informal expressions and formulaic expressions of lawyers should be incorporated into the teaching materials to enable law students to notice the expert-novice distinction in the use of the lexico-grammatical features. Sample students' letters of demand should be given to groups of students to identify the weaknesses in lexico-grammatical features and to discuss improvements needed. Lawyers should be invited to a panel discussion on the languages used in legal letters of demand and the factors that affect their choices. The students should be given the opportunity to interact with lawyers to get the awareness of the genre expectations.

In conclusion, the lawyers interviewed in this study did not expect new graduates to be perfectly prepared for writing legal letters of demand. However, they recognized that writing letters of demand requires experience and guidance, and they wished that the new graduates would be better prepared for legal letters of demand writing in the future. This study presented the differences between the lexico-grammatical features of the legal letters of demand written by lawyers and students to inform the pedagogy of writing letters of demand in a selected university ELP program. With the lawyers' input on the genre conventions and the assistance of the lecturers of legal English, the English programs can increase the law students' rhetorical consciousness in the lexico-grammatical features of the writing of legal letters of demand.

References

- Ahmad, N. (2009). Analyzing genre specific needs of learners of law. *Pakistan Journal of Social Sciences (PJSS)*, 29(2), 335-354.
https://www.bzu.edu.pk/PJSS/vol29no2_2009/FinalPJSS13.pdf
- Albi, A. B. (2013). A genre analysis approach to the study of court documents translation. *Research Models and Methods in Legal Translation*, 12, 33-53.
<https://lanstts.uantwerpen.be/index.php/LANS-TTS/article/view/235/202>
- Bhatia, V. K. (1993). *Analyzing genre: Language use in professional settings*. London: Longman.
- Bhatia, V. K. (2012). *Critical genre analysis*. London: Routledge.
- Charmaz, K. (2006). *Constructing Grounded Theory: A practical guide through qualitative research*. London: SAGE Publications.
- Charmaz, K. & Thornberg, R. (2020). The pursuit of quality in grounded theory. *Qualitative Research in Psychology*, 18(3), 305-327.
<https://doi.org/10.1080/14780887.2020.1780357>
- Clarence, S. Albertus, L & Mwambene, L. (2014). Building an evolving method and materials for teaching legal writing in large classes. *Higher Education*, 67(6), 839-851.
<https://www.jstor.org/stable/43648694>
- Conrad, S., Kitch W. A., Pfeiffer, T. J., Rhoulac, S. T., & Tocco, J. V. (2015, June). *Students' writing for professional practice: A model for collaboration among faculty, practitioner and writing specialists* [Conference Presentation]. 122nd ASEE Annual Conference and Exposition, Seattle, Washington.
<https://peer.asee.org/students-writing-for-professional-practice-a-model-for-collaboration-among-faculty-practitioners-and-writing-specialists>
- Conrad, S. (2017). A comparison of practitioner and student writing in civil engineering. *Journal of Engineering Education*, 106(2), 191–217. <https://doi.org/10.1002/jee.20161>
- Derahvasht, A. (2011). Genre analysis of appeal letter writing by Iranian students. International Conference on Education and Educational Psychology (ICEEPSY 2011). *Procedia - Social and Behavioral Sciences*, 29, 936-940.
<https://dx.doi.org/10.1016/j.sbspro.2011.11.325>
- Durrant, A & Leung, J. (2016). *Language and the Law: A resource book for Students*. London: Routledge. <https://doi.org/10.4324/9781315436258>

- Flowerdew, D. J. & Wan, A. (2006). Genre analysis of tax computation letters: How and why tax accountancies write the way they do. *English for Specific Purposes*, 25(2), 133-153. <https://doi.org/10.1016/J.ESP.2005.03.005>
- Hadavi, M; Marzban, B & Moghaddam, M.M. (2015). Analysis of official letters based on Applied Genre Analytical Model. *Journal of Language Teaching and Research*, 6, 588-594. <https://doi.org/10.17507/JLTR.0603.15>
- Jalilifar, A. & Beitsayyah, L. (2011). Genre analysis of enquiry letters across cultures: Perspectives on rhetorical structures. *Concentric: Studies in Linguistics*, 37(2), 309-333. <http://www.concentriclinguistics.url.tw/upload/articlesfs271402111221127791.pdf>
- Nguyen, H. & Miller, J. (2012). Exploring business request genres: Students' rhetorical choices. *Business Communication Quarterly*, 20(10), 1-24. <https://doi.org/10.1177/1080569911430379>
- Maley, Y. (1987). The language of legislation. *Language in Society*, 16, 25-48. <https://www.jstor.org/stable/4167814>
- Rappaport, B. (2008). A shot across the bow: How to write an effective demand letter. *Journal of the Association of Legal Writing Directors*, 5. <https://ssrn.com/abstract=1268436>
- Rasmussen, K. W. & Engberg, J. (1999). Genre analysis of legal discourse. *Hermes, Journal of Linguistics*, 22. <https://doi.org/10.7146/hjlc.v12i22.25497>
- Swales, J. (1990). *Genre analysis: English and academic and research settings*. Cambridge: Cambridge University Press.
- The Sri Lanka Law College. (2018). History of Legal Education in Sri Lanka. http://www.sllc.ac.lk/sub_pgs/history.html
- Webb, L. A. (2017). Why legal writers should think like lawyers. *Legal Education*, 67(J), 315. <https://docplayer.net/101071362-Why-legal-writers-should-think-like-teachers.html>